

Remarks

Claims 1-20 are pending.

Claims 1-20 were rejected by the Examiner.

The Office Action Summary indicates that the drawings were objected to by the Examiner, yet the Detailed Action makes no reference to any drawing objections. Applicants request clarification on the status of the drawings.

Claims 1, 3-7, 13-14, 19-20 were rejected under 35 USC 103(a) as being unpatentable over Adams (US Publication No. 2002/0046232) in view of Hanson (US Publication No. 2004/018487).

Adams discloses a system in which users share files, and the files are indexed and the indexes are stored on an index server for ease of searching (paragraphs 0015 and 0016). The index server employs categorical indexing through the software program deployed at the user terminals (paragraphs 0034, 0035 and 0047). An index server is not the same as a metadata server. See paragraph 0030 of the current application. The index server of Adams is not similar to a metadata repository. Hanson does not overcome this deficiency.

Further, the combination of references does not teach treating a file-sharing user any differently from a downloading user. As amended, claims 1 and 19 require that network allocations differ for file-sharing users and downloading users. Neither reference, nor the combination thereof teaches *receiving and storing the metadata from the file-sharing user, bandwidth being allocated to the file-sharing user at a first level, and transmitting an identification of the shared file to the querying user, wherein bandwidth is allocated to the querying user at a second level lower than a first level*, as set out in claim 1, with similar language having been amended in claim 19.

It is therefore submitted that claims 1 and 19 and their dependents are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and further in view of Seed (US Publication No. 2006/0015574).

Claim 8 depends from claim 1. The addition of Seed to the combination does not overcome the deficiencies of Adams and Hanson as set forth above. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and further in view of Kasper (US Publication No. 2003/0217152).

Claim 12 depends from claim 1. The addition of Kasper does not overcome the deficiencies of the combination of Adams and Hanson as set out above. It is therefore submitted that claim 12 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 2, 9-11 were rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and further in view of Barker.

Claims 2 and 9-11 depend either direction or indirectly from claim 1. The addition of Barker does not overcome the deficiencies of the combination of Adams and Hanson as set out above. It is therefore submitted that claims 2 and 9-11 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 15-18 were rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and further in view of Seed and further in view of Kasper.

As stated in the office action, the combination of Adams and Hanson do not teach *uploading a shared file from a file-sharing user for local storage on a metadata repository when*

a plurality of search requests for the shared file exceed a predetermined threshold, as required by claim 15. Seed does not overcome this deficiency. Seed teaches having servers that receive a lot of requests for objects (popular objects) request a copy of the object, if it does not have it, or servers that **determine** an object is popular pushing the object to other servers. See paragraphs 0032 and 0033 of Seed. The objects are not loaded into a central metadata repository. The addition of Kasper to the combination is irrelevant to this issue and does not cure the deficiency of the combination of references.

It is therefore submitted that claims 15-18 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 65650

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

210 SW Morrison Street
Suite 400
Portland, OR 97204
503-222-3613